



South Coast Air Quality Management District

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ENVIRONMENTAL JUSTICE ADVISORY GROUP FRIDAY, JANUARY 29, 2010 MEETING MINUTES

MEMBERS PRESENT:

Dr. Joseph Lyou, AQMD Governing Board Member, EJAG Chairman
Rhetta Alexander, San Fernando Valley Interfaith Council
Lawrence Beeson, Loma Linda University, School of Public Health
Suzanne Bilodeau, Knott's Berry Farm
Paul Choe, Korean Drycleaners & Laundry Association
Afif El-Hasan, American Lung Association
Mary Figueroa, Riverside Community College
Maria Elena Kennedy, Southern California Water Coalition
Evelyn Knight, Long Beach Economic Development Commission
Brenda LaMothe, S. Los Angeles Service Representative for L.A. Mayor
Margaret Mapes, St. Joseph Center
Daniel Morales, National Alliance for Human Rights
William Nelson, OC Signature Properties
Paul Ong, UCLA School of Public Affairs
Fred Rodriguez
Woodie Rucker-Hughes, NAACP – Riverside Branch

MEMBERS ABSENT:

Detrich Allen, City of Los Angeles Environmental Affairs
Alycia Enciso, Small Business Owner
Mimi Holt, SEIU Local 121 Registered Nurses
Angelo Logan, East Yard Communities for E.J.
Jacqueline Martinez, PUMA
Salvador Ramirez, National Hispanic Environmental Council

OTHERS PRESENT:

Earl Elrod, Board Member Assistant (*Yates*)
Sue Gornich, BP
Nicole Nishimura, Board Member Assistant (*Lyou*)
Janet Whittick, CCEEB

AQMD STAFF:

Barbara Baird, District Counsel
Mohan Balagopalan, Air Quality and Compliance Supervisor
Alan Caldwell, Community Relations Manager
Anupom Ganguli, Ph.D., Assistant Deputy Executive Officer/Public Advisor
Michael Krause, Program Supervisor
Ian MacMillan, Program Supervisor

Susan Nakamura, Planning and Rules Manager
Mohsen Nazemi, Deputy Executive Officer
John Olvera, Principal Deputy District Counsel
Jean Ospital, Dr. P.H., Health Effects Officer
Theresa Real, Secretary
Rocio Santacruz, Sr. Public Information Specialist
Cher Snyder, Sr. Enforcement Manager
Nicole Soto, Secretary
Jill Whynot, Director of Strategic Initiatives

Agenda Item #1 - Call to Order/Opening Remarks

Chair Dr. Joseph Lyo called the meeting to order at 12:02 p.m. Chair Lyo informed the members that the April 30, 2010 meeting has been rescheduled to April 23, 2010 due to a Governing Board Retreat. Chair Lyo announced that AQMD's Goals and Objectives will be considered at the February 5, 2010 Governing Board meeting and if they had any comments they should email Dr. Ganguli or attend the meeting.

***Action Item:** Email members to notify them that the April 30, 2010 meeting has been changed to April 23, 2010.*

***Action Item:** Email members the District's 2010 Goals & Objectives prior to the Governing Board Meeting.*

Agenda Item #2 – Approval of October 30, 2009 Meeting Minutes

Chair Lyo asked if there were any objections to the October 30, 2009 meeting minutes. He highlighted Mr. Angelo Logan's recommendation for guidance on how to include health costs and benefits when analyzing feasibility on localized projects through environmental review, which he believes is a good recommendation. Upon hearing no objections, the minutes were approved.

Mr. Alan Caldwell reviewed the action items from the October 30, 2009 meeting.

Agenda Item #3 – Member Updates

Chair Lyo asked for any member updates and announced that Mr. Logan is working with the Air Resources Board regarding their rail yard policy. He encouraged members who are interested in the issue to contact Mr. Logan.

Agenda Item #4 – 2010 Goals and Objectives

Dr. Anupom Ganguli informed members that the 2009 Accomplishments and 2010 Goals and Objectives would be sent to the Administrative Committee for approval. Chair Lyo suggested adding the following specific rules: Proposed adjustment to the Cap and Trade Program, Proposed Rule 317, Proposed Rule 2301, and Proposed Amended Rule 1315. Chair Lyo highlighted item No. 6 of the Goals and Objectives. Ms. Evelyn Knight stated that she would like to hear more about Mr. Logan's work regarding the ports and railroads. Chair Lyo requested staff to include a presentation on goods movement for the next meeting. Ms. Mary Figueroa requested that the presentation include the impacts and health effects on the Inland Empire.

***Action Item:** Agendize goods movement presentation for the next meeting.*

Agenda Item #5 – Discussion of Opportunities to improve Land Use Decisions

Ms. Barbara Baird discussed AQMD's authority in general and in relation to land use decisions. Ms. Susan Nakamura discussed the CEQA Inter Governmental Review (IGR) program and how the agency reviews documents and comments on siting issues.

Chair Lyou requested that Ms. Baird explain the mobile sources waiver regarding CARB's regulations of motor vehicles and non-road engines. Ms. Baird explained that there are two possible standards motor vehicle companies have to meet, a federal standard or California standard, however any other state can opt in and make the California standard applicable.

Chair Lyou asked if there was a provision in the Health and Safety Code that allows local land use authorities to be more stringent than air quality agency regulations. Ms. Baird responded that local governments do have the authority to adopt more stringent regulations.

Mr. William Nelson asked since there are more stringent regulations for California vehicles does that mean the motor vehicle manufacturers will only make one car model. Ms. Baird responded they have to make a car that complies with California standards if they want to sell that car in California, or any of the states that have adopted California's standard. For states that haven't adopted California standards, they need to make a car that complies with the Federal standards.

Ms. Knight asked if the court is the authority for the enforcement of most rules. Chair Lyou explained that CEQA has phases and a process for draft documents, environmental impacts, and the opportunity for public comments. He noted the proponent and the agency have a chance to amend the proposal based on the comments and if the amendments don't resolve all the issues, there are strict rules for who can go to court and challenge the documents.

Ms. Suzanne Bilodeau asked if rules are more stringent if the source is within 1,000 feet of a school. Ms. Baird replied that there are different rules and that some are more stringent near certain sensitive receptors.

Ms. Woodie Rucker-Hughes asked if CEQA comments are being reviewed on a project, and during this time, another project begins, are the two projects looked at separately or cumulatively. Chair Lyou responded there is a cumulative impacts requirement, for which they are required to research other proposed projects in the area and account for the other projects as best as possible in the cumulative impacts.

Ms. Nakamura highlighted that early consultation regarding projects is important with communities and other agencies. Chair Lyou informed members that there are tools and a template for requesting public notice under CEQA on the California Environmental Rights Alliance website. Chair Lyou commented to members that CEQA documents have to be published in the California register and if documents are not being sent to the District, staff should follow-up to ensure CEQA documents are provided to the agency.

Ms. Bilodeau asked who is responsible for reviewing and approving CEQA documents. Ms. Baird replied that there are two types of agencies who review CEQA documents. The first is the lead agency, who is primarily responsible for the project. If it a private development, typically a city or county is the lead agency. The second is a responsible agency that may have permitting authority over a portion of the project. The responsible agency uses the CEQA document prepared by the lead agency or in certain cases prepares its own. Chair Lyou asked if the agency had objections to the documents does the lead agency have to incorporate the comments. Ms. Baird responded that they do not have to incorporate our

suggestions and if we are not a responsible agency, our only option is to sue. However, if we are a responsible agency we have the ability to impose mitigations on the project.

Ms. Rhett Alexandar asked if a project with an EIR means that it has been reviewed under CEQA. Chair Lyou explained that when there are potentially significant environmental impacts, CEQA requires an EIR or at minimum a mitigated negative declaration.

Chair Lyou explained that CEQA is for new projects with pollution impacts and is not for dealing with existing problems. Dr. Lyou requested that Ms. Nakamura provide an update on the timeline for the Clean Communities Plan. Ms. Nakamura responded that the plan is being revised to include more detail and is being reviewed internally.

Agenda Item #6 – Update Regarding Federal Ambient Air Quality Standards

Dr. Jean Ospital provided an update on the proposed new Federal Ambient Air Quality Standards.

Mr. Daniel Morales asked whether businesses or automobiles pollute more. Chair Lyou replied it is automobiles and trucks that pollute the most. Mr. Morales indicated that after trading in his hybrid car for a new hybrid he didn't get a carpool lane sticker. Chair Lyou responded that there were a limited number of stickers at the beginning, but there is a proposal to extend the program. He did not know the status of the bill and requested that staff research the bill.

***Action Item:** Research status of bill for extending carpool lane sticker program.*

Ms. Figueroa questioned why California is not included in the cost projections by EPA. Chair Lyou explained that when analyzing the costs and the benefits, it is assumed that California is not going to meet the standard and that they typically look at areas that will be able to meet the standard when calculating costs and benefits.

Ms. Margaret Mapes asked what was going to be presented at the EPA Public Hearings next week. Dr. Ospital replied that typically it is a presentation of the proposed standards and staff from the EPA takes comments from the public. Dr. Ospital indicated he did not know who would be in attendance but the hearing is in Sacramento, on February 4, 2010 and anyone can sign up to speak via the EPA website or show up and request to speak in person.

Agenda Item #7 – Spatial Analysis and Air Pollution Risk

Mr. Paul Ong presented his research on spatial analysis and air pollution risk, which focused on the difference in exposure while at home, compared to being at work or school.

In response to a question, Dr. Ganguli said that almost all of the environmentally friendly dry cleaners noted on Mr. Ong's map have received AQMD dry cleaner grants. Dr. Ganguli explained the criteria used for the grants, which are related to air pollution, cancer risk, PM, and level of income.

Mr. Afif El-Hasan asked if the incentives are directed to dry cleaners only or if they are also for large businesses that contract with dry cleaners. Dr. Ganguli responded they are for dry cleaners only and staff makes sure the equipment is installed and operational before the dry cleaner receives the grant money.

Ms. Maria Kennedy stated that in the foothills of Rancho Cucamonga there is no pollution, yet the residents work in downtown Los Angeles and are firefighters who are exposed to high pollution. Mr.

Ong replied he thinks we misjudge exposure in affluent neighborhoods and underestimate those residing in 'at risk' communities.

Dr. Ganguli asked Mr. Ong what kinds of programs he foresees coming out of his research and if the model allows him to input changes in emissions for fleets, such as the trucks that are getting cleaner at the ports. Mr. Ong responded that part of his research is to locate the correct data and identify which factors really matter and how much they really matter. Mr. Ong stated he hopes his findings will be part of policy discussions.

Chair Lyou mentioned that LAX had job training and first source hiring for people from the surrounding neighborhood, which will help reduce vehicle miles traveled and asked Mr. Ong if he thought that could be used as a measure of success or failure. Mr. Ong replied in the affirmative. Ms. Rucker-Hughes asked Mr. Ong about the database he uses. Mr. Ong indicated that the data comes from the Census, and they do their own estimates.

Mr. El-Hasan asked Mr. Ong what is more destructive on the lungs - to work in polluted air and go to clean air at home, or to be living in a moderately polluted place. Mr. Ong responded he does not have an answer because it is non-linear but a partial answer would be it depends on the time of day because there are huge variations in pollution and health risk.

Agenda Item #8 – Other Recommendations

Chair Lyou reviewed the agenda items to be discussed at the April, 23, 2010 meeting, which include goods movement, and the Clean Communities Plan. Chair Lyou also reminded members to review the District's proposed 2010 Goals and Objectives.

Agenda Item #9 - Adjournment

The meeting adjourned at 2:55 p.m.